



PTO2 Rec'd PCT/PTO 20 OCT 2003

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Dkt. 0575/59167-A-PCT-US/JPW/BJA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : David J. Pinsky
U.S. Serial No. : 10/049,320
Filed : February 6, 2002
For : CD39/ectoADPase AS A TREATMENT FOR THROMBOTIC AND ISCHEMIC DISORDERS

1185 Avenue of the Americas
New York, New York 10036
October 16, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop Missing Parts

SIR:

COMMUNICATION IN RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

This Communication is submitted in response to the September 16, 2003 Notification Of Defective Response issued by the United States Patent and Trademark Office in connection with the above-identified application.

The September 16, 2003 Notification states that applicant's response filed August 5, 2002 is not complete in that a paper copy and a CRF copy Sequence Listing must be submitted. A copy of the Notification is attached hereto as **Exhibit A**.

In response, applicant notes that the response referred to in the Notification, and filed August 5, 2002, contained on page two a statement requesting that the C.R.F. Sequence Listing filed in connection with U.S. Serial No. 09/374,586, filed August 13, 1999, be transferred as the C.R.F. Sequence Listing in the above-

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identified application, as permitted by 37 C.F.R. §1.821(e). The response filed by applicant also noted that the paper copy Sequence Listing was filed with the application, and a Statement in Accordance with 37 C.F.R. §1.821(f) was included as an exhibit. Furthermore, during a January 8, 2002 telephone conference between Ms. Paulette Kidwell of the United States Patent and Trademark Office and Mr. Brian Amos of my office, Ms. Kidwell confirmed that the request to apply the C.R.F filed in connection with U.S. Serial No. 09/374,586 was proper and was deemed to satisfy the requirements of 37 C.F.R. §1.821(e). Applicant therefore requests that the September 16, 2003 Notification of Defective Response be withdrawn.

However, in the event that the Notification is not withdrawn, and in order to expedite prosecution, applicant attaches hereto as **Exhibit B** a paper copy of the Sequence Listing, a Statement in accordance with 37 C.F.R. §1.821(f) as **Exhibit C**, and a C.R.F Sequence Listing as **Exhibit D**.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invite the Examiner to telephone him at the number provided below.

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No fee is deemed necessary in connection with the filing of this Communication. However, if any such fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mail Stop Missing Parts

John P. White 10/16/03

John P. White	Date
Reg. No. 28,678	



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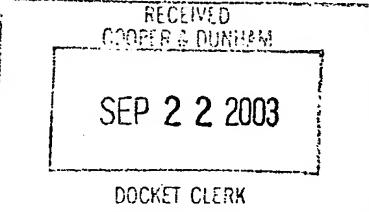
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COPY

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/049,320	David J. Pinsky	59167-A-PCT-US/JPW/FHB
INTERNATIONAL APPLICATION NO.		PCT/US00/22060
I.A. FILING DATE		PRIORITY DATE
08/11/2000		08/13/1999

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Date Mailed: 09/16/2003

CONFIRMATION NO. 3716
371 FORMALITIES LETTER



OC00000010876399

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 02/06/2002
- Copy of the International Search Report filed on 02/06/2002
- Copy of IPE Report filed on 02/06/2002
- Preliminary Amendments filed on 02/06/2002
- Oath or Declaration filed on 08/05/2002
- Biochemical Sequence Listing filed on 08/05/2002
- Small Entity Statement filed on 08/05/2002
- Request for Immediate Examination filed on 02/06/2002
- U.S. Basic National Fees filed on 02/06/2002
- Power of Attorney filed on 08/05/2002

Resp Seq. List: 10/16/03
MPL

Applicant's response filed 08/05/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 05/29/2002 have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e) and PCT Rule 13ter.1(a)(ii).

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Exhibit A

- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of Annex C of the Administrative Instructions and 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- **APPLICANT MUST PROVIDE:**
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 305-3656

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/049,320	PCT/US00/22060	59167-A-PCT-US/JPW/FHB

FORM PCT/DO/EO/916 (371 Formalities Notice)